

### **REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith which bring this case into condition for allowance or in better condition for appeal.

#### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-5 are pending. Claim 1 is amended. Claims 6-11 are cancelled, without prejudice, as being directed to non-elected subject matter. Applicants expressly state that the claims are intended to include and encompass the full scope of any equivalents. Thus, Applicants hereby expressly rebut any presumption that Applicants have narrowed or surrendered any equivalents under the doctrine of equivalents by presenting any amendment or remarks in this paper, and in no way do Applicants disclaim any of the territory with respect to any equivalent subject matter.

No fee is believed to be required in connection with the filing of this paper. If, however, any fee is deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

#### **II. 35 U.S.C. §103 REJECTION**

Claims 1-5 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over US 2003/0104581 to Hoess et al. in view of WO 95/03405 to Wagner et al. Applicants disagree.

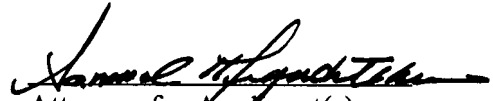
Applicants' invention involves a process for the recombinant production of an antifusogenic peptide by expression of a nucleic acid encoding the antifusogenic peptide as a repeat peptide in a microbial host cell to form inclusion bodies which comprise the repeat peptide. A step in the process involves washing the inclusion bodies with 5.5 to 8.0 mol/l of a denaturing agent. Nowhere in Hoess, either alone or in combination with Wagner, is there a teaching or suggestion that would lead a skilled artisan to use a denaturing agent at the instantly claimed concentration range.

Consequently, reconsideration and withdrawal of the Section 103 rejection are respectfully requested.

**CONCLUSION**

In view of the remarks herewith, the application is in condition for allowance or in better condition for appeal. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,



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